



Express Mail No.: EL 500 525 57805

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Luban and Peters

Application No.: 10/043,061

Group Art Unit: TBA

Filed: January 11, 2002

Examiner: TBA

For: CUSTOMER LOYALTY
PROGRAMS AND SYSTEMS
AND METHODS FOR SUCH
PROGRAMS

Attorney Docket No.: 10031-007-999

DECLARATION OF ROBERT C. LAWRENCE IV

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:


I, ROBERT C. LAWRENCE IV, declare and state as follows:

1. I am a consultant to Stockback, LLC, a wholly-owned subsidiary of Stockback Holdings, Inc., and at all relevant times prior to June 15, 2002, I was the Head of Business Development for Stockback, LLC.
2. On or about January 7, 2002 and February 6, 2002, I spoke with Matthew Luban ("Luban") by telephone regarding the Declaration to be signed by him in connection with Application No. 10/043,061, attached as Exhibit A to my declaration.
3. Shortly after February 6, 2002, I faxed to Luban, at the fax number he provided me, a copy of the Declaration for his review.

4. On or about February 22, 2002 and March 7, 2002, I spoke with Luban by telephone regarding whether he would sign the Declaration. Luban confirmed that he had received the Declaration and, on each occasion, informed me that he was not signing the Declaration.
5. As of the date of my declaration, Stockback has not received a copy of the Declaration signed by Luban.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 8-8-02


Robert C. Lawrence IV

Attachment:

Exhibit A

Declaration provided to Matthew Luban



DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

CUSTOMER LOYALTY PROGRAMS AND SYSTEMS AND METHODS FOR SUCH PROGRAMS

and for which a patent application is identified by attorney docket number 10031-007-999

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

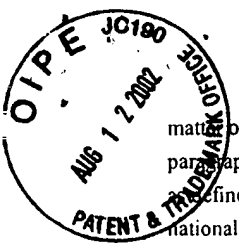
EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/268,044	February 12, 2001

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as they are

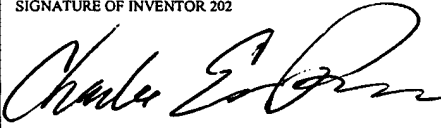
* for use only when the application is assigned to a company, partnership or other organization.



matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
09/400,417	September 21, 1999	-		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME Luban	FIRST NAME Matthew	MIDDLE NAME S.
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 75 West End Ave. Apt C11D	CITY New York	STATE OR COUNTRY NY
		SIGNATURE OF INVENTOR 201		DATE
2 0 2	FULL NAME OF INVENTOR	LAST NAME Peters	FIRST NAME Charles	MIDDLE NAME Eric
	RESIDENCE & CITIZENSHIP	CITY Hoboken	STATE OR FOREIGN COUNTRY NJ	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 1500 Washington Street Apt 11E	CITY Hoboken	STATE OR COUNTRY NJ
		SIGNATURE OF INVENTOR 202 		DATE 03/27/02
2 0	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP



Express Mail No.: EL 500575 SR US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Luban and Peters

Application No.: 10/043,061

Group Art Unit: TBA

Filed: January 11, 2002

Examiner: TBA

For: CUSTOMER LOYALTY
PROGRAMS AND SYSTEMS
AND METHODS FOR SUCH
PROGRAMS

Attorney Docket No.: 10031-007-999

DECLARATION OF BRIAN D. BELLARDO

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, BRIAN D. BELLARDO, declare and state as follows:

1. I am an attorney admitted in the State of New York.
2. I am the General Counsel of Stockback Capital, LLC, an affiliate of Stockback Holdings, Inc., and, prior to June 1, 2002, I was the General Counsel of Stockback Holdings, Inc.
3. On August 2, 2002 I sent to Matthew Luban ("Luban") a Declaration to be signed by him in connection with Application No. 10/043,061 and the application itself, both attached as Exhibit A to my declaration.
4. In my cover letter to Mr. Luban, I requested that he sign and return the Declaration to me by August 9, 2002.

RECEIVED

AUG 16 2002

OFFICE OF PETITIONS

5. As of the date of my declaration, Stockback has not received a copy of the Declaration signed by Luban.
6. The Applicant is the assignee of all right in, title to, and interest under this application because
- (a) Charles Eric Peters, one of the two co-inventors, has executed a written assignment assigning all his right in, title to and interest under this application to Applicant; and
 - (b) based on information and belief, Matthew Luban, the other of the two co-inventors, has assigned all his right in, title to and interest under this application to Applicant by operation of the law of the State of New York because, during Mr. Luban's employment with the Applicant, he was directed by the Applicant to create the invention disclosed and claimed in this application, and because Mr. Luban created this invention on Applicant's time and at Applicant's sole expense.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Aug. 9, 2002

Brian D. Bellardo
Brian D. Bellardo

Exhibit A Copy of Declaration and Application provided to Matthew Luban



STOCKBACK

August 2, 2002

Matthew Luban
75 West End Avenue, Apt. C11D
New York, New York 10023

BY OVERNIGHT COURRIER

Re: Declaration for filing of Patent Application No. 10/043,621

Dear Matt:

I am following up on previous discussions that you had with Brett Lawrence regarding this patent application. We are in the process of filing the declaration of inventors, which Brett had previously supplied to you and which I understand that you told Brett you would not sign.

I enclose another copy of the declaration and a copy of the application, which I am providing to you solely so that you can determine whether or not to sign the declaration.

If you are now willing to sign the declaration, please do so and fax the signed declaration to me at (212) 937-4002. Please also mail the original to me in the enclosed, self-addressed stamped envelop for arrival at Stockback's offices no later than August 9, 2002.

Thank you for your attention to this matter.

Sincerely,

Brian Bellardo
General Counsel
Stockback Capital LLC

Enclosures

RECEIVED

AUG 16 2002

OFFICE OF PETITIONS

11 BROADWAY SEVENTEENTH FLOOR NEW YORK, NY 10004 TELEPHONE: 212.937.4000 FACSIMILE: 212.937.4001



#5

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

CUSTOMER LOYALTY PROGRAMS AND SYSTEMS AND METHODS FOR SUCH PROGRAMS

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on (if applicable)
- ☒ was filed in the United States on January 11, 2002 as Application No. 10/043,621 with an amendment filed on April 12, 2002.
- ☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

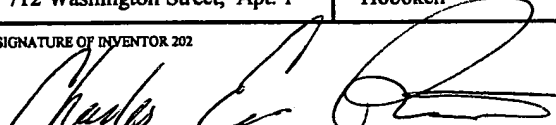
PROVISIONAL APPLICATION NUMBER	FILING DATE
60/268,044	February 12, 2001

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
09/400,417	September 21, 1999	✓		

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME Luban	FIRST NAME Matthew	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 75 West End Avenue, Apt. C11D	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10023
	[A petition has been filed for this unsigned inventor.]	SIGNATURE OF INVENTOR 201		DATE	
2 0 2	FULL NAME OF INVENTOR	LAST NAME Peters	FIRST NAME Charles	MIDDLE NAME Eric	
	RESIDENCE & CITIZENSHIP	CITY Hoboken	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 712 Washington Street, Apt. 1	CITY Hoboken	STATE OR COUNTRY New Jersey	ZIP CODE 07030
		SIGNATURE OF INVENTOR 202 		DATE 08/01/2002	



RECEIVED

AUG 16 2002

OFFICE OF PETITIONS



DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

CUSTOMER LOYALTY PROGRAMS AND SYSTEMS AND METHODS FOR SUCH PROGRAMS

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on *(if applicable)*
☒ was filed in the United States on January 11, 2002 as Application No. 10/043,621 with an amendment filed on April 12, 2002.
☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

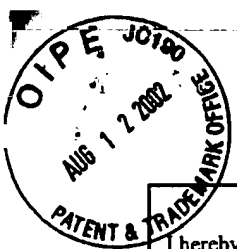
I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/268,044	February 12, 2001

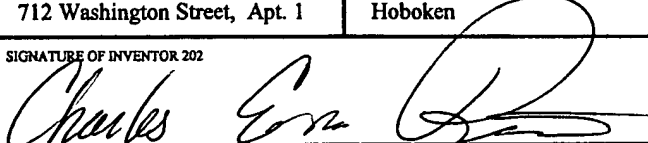
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
09/400,417	September 21, 1999	✓		

* for use only when the application is assigned to a company, partnership or other organization.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME Luban	FIRST NAME Matthew	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 75 West End Avenue, Apt. C11D	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10023
[A petition has been filed for this unsigned inventor.]		SIGNATURE OF INVENTOR 201		DATE	
2 0 2	FULL NAME OF INVENTOR	LAST NAME Peters	FIRST NAME Charles	MIDDLE NAME Eric	
	RESIDENCE & CITIZENSHIP	CITY Hoboken	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 712 Washington Street, Apt. 1	CITY Hoboken	STATE OR COUNTRY New Jersey	ZIP CODE 07030
		SIGNATURE OF INVENTOR 202 		DATE 08/01/2002	